

AUG 15 2006

**REMARKS**

This is in response to the Office Action mailed on June 8, 2006. In the Office Action, (i) claims 1, 2, 17, 18 and 33-35 were rejected under the judicially created doctrine of double patenting and (ii) claims 3-5, 19-21, and 36-37 were objected to. Reconsideration of this case is respectfully requested in view of the following remarks.

Claims 6-16 and 22-32 have been cancelled without prejudice or disclosure of subject matter to comply with a previously issued restriction requirement. No claims have been amended or added by this response. Accordingly, claims 1-5, 17-21 and 33-37 remain at issue in the patent application. Of those at issue, claims 1, 17 and 33 are independent claims.

Applicant believes that no new matter has been added by this response.

**I) DOUBLE PATENTING REJECTION**

Claims 1, 2, 17, 18 and 33-35 were rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 13, 14, 13 and 14, respectively, of the U.S. Patent No 6,628,702. [Office Action page 2].

Applicant herein submits a timely filed terminal disclaimer to overcome the rejection based on nonstatutory obviousness-type double patenting.

For at least the foregoing reasons, Applicant respectfully requests the withdrawal of the non-statutory double patenting rejection of claims 1, 2, 17, 18 and 33-35.

**II) ALLOWABLE SUBJECT MATTER**

In the Office Action, claims 3-5, 19-21, and 36-37 were objected to as being dependent upon a rejected base claim, but the Office Action indicated that they would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. [Office Action pages 3].

Applicant respectfully submits that each of the dependent claims 3-5, 19-21, and 36-37 are allowable for at least the reason that the independent claim from which each directly or indirectly depends is allowable in view of the foregoing terminal disclaimer.

For at least the foregoing reasons, Applicant respectfully requests the withdrawal of the objection to each of claims 3-5, 19-21, and 36-37.

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REQUEST FOR ALLOWANCE

In view of the foregoing it is respectfully submitted that the pending claims 1-5, 17-21 and 33-37 are in condition for allowance. Reconsideration of the rejections and objections is requested. Allowance of the claims at an early date is solicited.

The Examiner is invited to contact Applicant's undersigned counsel by telephone at (858) 658-2447 to expedite the prosecution of this case should there be any unresolved matters remaining.

Respectfully submitted,

Dated: 8/15/06

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